A

NARRATIVE

OF THE

Cauſe and Manner

OF THE

Impriſonment

OF THE

LORDS:

NOW

Cloſe Priſoners in the Tower

Of *LONDON*.

PSAL. 37. *Fret not thy ſelf becauſe of him who proſpereth in his way, becauſe of the man who bringeth wicked devices to paſs. For yet a little while and the wicked ſhall not be: yea, thou ſhalt diligently conſider his place, and it ſhall not be.*

Amſterdam, 1677.

A

NARRATIVE

OF THE

Cauſe and Manner of the Impriſonment of the LORDS, Now Cloſe Priſoners in the Tower of London, &c.

SIR,

IN your laſt you commanded me to give you an exact account of the opening and proceeding of the Parliament: *You know you may freely command me to ſerve you in any thing I am able, but you likewiſe know that I am no* Courtier *nor Member of* Parliament, *and therefore I wonder you ſhould apply your ſelf to me on this occaſion, ſince you have ſo many Friends, as well at* White-Hall, *as in both* Houſes, *which could give you a more particular Relation. But leſt you ſhould think I ſay this to excuſe my ſelf from ſerving you, I ſhall, as well as I can, give you an account, both of what I my ſelf have obſerved in this matter, and what I have received from common Fame.*

ON *Thursday*, the 15*th*. of *February*, the *Parliament* (as they call themselves) or the *Convention*, (as I hear others generally call them) Met: And at the same time a vast number of People, filled *Westminster Hall*, the *Court of Requests*, the *Painted Chamber*, the *Lobbies*, and all places near the *Parliament House*; that the like was never before seen upon the Meeting of This, or any Other *Parliament* in our Memory. I being one of the Number, was more than ordinarily curious to find out and observe the temper of that great Body of People, and what it was they did desire or expect; and upon the strictest Enquiry I could make, I found that (except a few Persons who were engaged thereto by their Interest or Dependance) they did earnestly desire and expect, they should declare themselves to be *No Parliament*.

When the King was come, the Commons were sent for up to the Lords House. Where I made a shift to crowd in and hear. The King and my Lord Chancellour made each of them a Speech worthy your Consideration; Copies whereof I have hear sent you. As soon as the Speeches were made, and the Commons withdrawn, a Bill was offered to be Read: But the Duke of *Buckingham* desired to be heard first; who after a most ingenious and modest Preface, told their Lordships, That in his Opinion, the Question before their Lordships, was not what they were to do, but, Whether they could do any thing as a *Parliament*. It being very clear to him, that the *Parliament* was *Dissolved*; For which Opinion he gave his Reasons; which because they are the Sum of all that was said, to prove the *Dissolution*, I shall give you as good and as brief an account of them as I can. He spake to this purpose, *Viz.*

'That the last *Prorogation* being for 15 Months, was con-'trary to two Printed Statutes, the 4*th*. and 36*th*. of *Ed*. 3. '(which he proved to be in force at this time) that require

'*Annual*

'*Annual Parliaments*, and being so, was illegal; and that they 'could not meet by virtue of an illegal *Prorogation*, and there-'fore were *Dissolved*; For there being no legal Day for their 'Meeting, they could never Meet, unless it were by chance; 'and an accidental Meeting of the King, Lords, and 500 'Commons could not make a *Parliament*, nor could the 'Kings Proclamation help the matter. For a Proclamation 'was not of more force than a Prorogation, and if a thing 'were illegal when first commanded, it could not be made 'legal by a second Command. And he said, No body could 'pretend, that the Kings Proclamation could make that a 'legal Parliament, which was not so before. And having answered all Objections of the Kings power to dispence with some Laws, and such other as seemed to carry any colour of making the Prorogation legal, and having shew'd the great Inconveniencies that did arise from the long Sitting of Parliaments; how the very Nature of this House of Commons was changed; for now they did not look upon themselves as an Assembly that are to return to their own Homes, and become private men again (as by the Laws of the Land, and the antient Constitution of Parliaments they ought to be) but they look upon themselves as a standing Senate, and a number of men pickt out to be *Legislators* for the rest of their whole Lives. He told their Lordships, 'The matter 'was now brought to this *Dilemma*; Either the Kings of '*England* were bound by those Statutes mentioned of *Ed.* 3. 'Or else the whole Government of *England*, by Parliaments 'and by Law, is absolutely at an End. For if the kings of '*England* have Power by an Order of theirs, to invalidate an '*Act made for the Maintainance of Magna Charta*, they have 'also Power by another Order of theirs to invalidate *Ma-'gna Charta it self*. And if they have Power by an Order 'of theirs to invalidate an Act made for the maintainance of 'the Statute *De tallagio non concedendo*, they have Power also 'when they please, by an Order of theirs to invalidate the

'Statute it self If *De Tallagio non concedendo*, and then they 'may not only without the help of a *Parliament* raise what 'Money they please, but also take away any man's Estate 'when they please, deprive every one of his Liberty or Life 'as they please. This he told their Lordships, was a Power 'which no Judge nor Lawyer will pretend the kings of *Eng-* 'land have, and yet this Power must be allowed them, or 'else they that were met there that day, could not act as a '*Parliament*. For they were then met by virtue of the last 'Prorogation, and that prorogation is an Order of the king's 'point blank contrary to the two *Acts* of *Edvv.* 3. for the '*Acts* say, *That a Parliament shall be holden once vvithin a* 'year; And the *Prorogation* says, A *Parliament* shall not be 'held within a year, but some months after: And this I con- 'ceive is a plain contradiction, and consequently the *Prore-* 'gation is void. He further added, That nothing could be 'more dangerous to a king or a people, than that Laws 'should be made by an Assembly, of which there can be a 'doubt, whether they have power to make Laws or no? 'And said, It would be unexcusable in them, because there 'is for it so easie a Remedy; a Remedy which the Law re- 'quiers, and the Nation longs for. *The Calling of a Nevv* '*Parliament*. And he shew'd the great Advantages that 'would acrue to the King, their Lordships, and the 'People, by frequent and successive *Nevv Parliaments*. That 'without this, all they could do would be in vain: the Nation 'might languish a while, but must perish at last, they should 'become a burthen to themselves, and a prey to their neigh- 'bours; and therefore mov'd, That their Lordships would 'humbly address themselves to the king to Call a *Nevv* '*Parliament*; that so they might unanimously (before it be 'too late) use their utmost endeavours for his Majesties ser- 'vice, and for the honour, the safety, the welfare and the glo- 'ry of the *English Nation*.

No sooner had the Duke ended his Speech, but the *Lord* *French-*

Frechvil mov'd to have him call'd to the Bar, and then to proceeded against as should be thought fit. The *Lord Salisbury* said, *That was to take away the Freedom of Parliament.* And maintain'd the Duke in his assertion with great Reason. After him the *Lord Alisbury* argued against the *Dissolution*, and against the Duke's being call'd to the Barr. The *Lord Arundel* of *Trerice* seconded the *Lord Frechvil's* motion. The *Lord Halifax* said, The *Parliament* was not in his Opinion *Dissolved*, but that it was so far from a Crime in the Duke to move it, that it deserved Commendation, because this was a proper place for the motion, and the Determination of it would be of advantage, which way soever the House should determine it. The *Lord Berkshire* spoke against calling to the Barr, and made a jest of it. The Lord *Shaftsbury* said, The calling the Duke to the Barr were to take away all liberty of speech in Parliament; he very judiciously opened the state of the case with relation to the *Dissolution*: He shewed, That by the common law there ought to be *Annual Parliaments*; That divers Statutes had provided for *Annual Parliaments*; That we have right to our laws, and These are the laws that preserve our Rights; That these are the only laws by which the King is bound to call any Parliament; That the King is bound by his Oath to keep the laws, and that it is a great crime in any to endeavour to make him break his Oath; That tis dangerous to remove *Old Landmarks* That many Inconveniences have ever been the consequences of *long Parliaments*: And after many Arguments and answering all Objections to the contrary, he concluded the *Prorogation* was *illegal*. The Marquess of *Winchester* said, The Parliament was not *Dissolved*, but thought the Duke, who moved the business, deserved thanks. The Marquess of *Dorchester* carried on the debate of the *Dissolution*, and argued against it.

After this (which was about an hour) the debate of the Dissolution was continued about four hours, the *Lord Chancellor*

Chancellor undertaking to anſwer the Arguments which were or ſhould be urged for it. This the *Lords* underſtood to be an implied lience to ſhew the reaſons of their opinion, and accordingly a good number of *Lords* urged unanſwerable Reaſons to prove the *Prorogation illegal*, and that they could not by law *Sit*, and *Act*, as a *Parliament*: And all this while there was no reflexion upon any of the *Lords* for their opinnion; for the Commons were ſtill ſitting, and upon debate of that matter; and the Court, Church, and Popiſh *Lords* could not tell what would be the Iſſue of the *Queſtion* amongſt them. But as ſoon as they had notice that the Commons were up, and had not ſuffered any *Queſtion* to be put upon it, but had run the *Debate* upon a *Queſtion* that had no ground either in law or Reaſon, which they had not determined neither, but had adjorned to the next day; They from this took right meaſures to conclude, that the major part of the Commons were unwilling to part with their Seats, and thereupon took confidence to ſhew them, that they had the major part of the *Lords* too: and having ſo in both Houſes, they need not fear to do whatſoever they had a mind to; and therefore without offering any colourable anſwer to the reaſons and arguments that had been urged, they put this queſtion, *Whether this debate ſhould be laid aſide?* and it was carried in the Affirmative. As ſoon as this *Queſtion* was carried, the lord *Treaſurer* moved; that it might be conſidered what to do with thoſe lords that had aſſerted; *That the Parliament was diſſolved*: The Duke of *Ormond* moved, that the Duke of *Buckes* might be queſtioned; The lord *Treaſurer* moved, That the Earl of *Salisbury*, of *Shaftsbury*, and the lord *Wharton* might be queſtioned. The motion of theſe *Lords* (as I thinke I have been told) was ſeconded by the Duke of *York*, and ſome of the lords called upon them to withdraw, but they continved in their places as others of the lords declared they ought to do. The Debate continued hours, whether they ſhould be queſtioned, divers lords urging,

urging, That it was againſt the Priviledge of Speech, to which every Peer had right, to queſtion them.

And the Lord *Privy Seal*, made a long, and moſt ingenious, and judicious Speech to that purpoſe. He ſaid, It was an Eſſential Priviledge of all Courts, that every one of the Members of any of them, ſhould have Liberty to propoſe and debate any matter, that concerned themſelves as a Court, or their own Juriſdiction; And this liberty is not only grounded upon the Law of *England*, but *Reaſon* has ſo clearly declared it to all Men, that it is allowed for Law in *All Countries*, much more ought to be allowed for Law in *England*, where we boaſt our ſelves to be a *Free People*; and much more to every Member of the Houſe of Lords, which is a conſtitutive part of the Legiſlative Power. And indeed nothing is more plainly provided for in the Law of *England* than this: Ask the Judges, and they will tell you, They are not Queſtionable for their Opinion delivered in Court, tho over-rul'd by their Brethren as contrary to Law. And ſhall not a Member of the high Court of Parliament have as much Liberty as the Judges of every Inferiour Court in *England* claims? He ſaid, There were many *Records* and *Acts* of Parliament, which did declare it to be the right of the Peers *To Propoſe and Debate any thing which they thought to be for the Good of the King and Kingdom*. And by the ſtanding known Rules of the Houſe, if any Motion be made that gives Offence, the Propoſer ought immediately to be queſtioned, or not at all; and no Man is to Anſwer for any thing that has been Debated, and a Queſtion put upon it; for by entering into the Debate, they allow it to be Diſputable, and give Licence to the Lords to ſpeak their Opinions of either ſide. And ſhould they Invade this Liberty, and break theſe Rules (as in Queſtioning theſe Lords they ſhould do) they ſhould not Act as a Parliament, but as an Arbitrary Aſſembly; and there could be no Safety for any Member of Parliament; For whatſoever was Propoſed by any Member of the Major

Vote went against him, he and those of his Opinion might be questioned, and then no New law could be made, nor Inconvenient one altered or abrogated; For no law can be made or altered, but it must be proposed by some body, and none could dare to propose it, lest the House should not be of his Opinion, and then he could not be secure. He added, That this was the Case of every Lord there; For, suppose the Major Vote had been, *That the Parliament was Dissolved*, he believed they would not have been willing it should have been accounted an offence in them that had maintained that it was not: For if so, they did thereby allow that a *New Parliament* might question them for their Opinions, tho they had now the Major Vote; and yet the reason will be the same if not greater, than for the punishing these great Lords; For if we are in an Error, we have assumed a Power Illegal, that was not in us of Right: But they have only Doubted, that they and we want that Authority which in our Opinion we have. But, said he, 'Tis not what their Opinion was, or what they said is to be considered; but, Whether we do not Violate our own Priviledges in the highest measure in the World by Questioning these Lords? And whether if they should be forced to with-draw by the Major part of the House, we do not at the same time Vote our own Priviledge of Speech out of doors? And whether if we loose this Priviledge of Speech, we shall not thereby become Useless and Insignificant? And whether by Judging those *four Lords*, and only *four*, when divers others were in the same Condition with them, as having maintained the same thing, we shall not shew our selves Partial and Unjust? And whether this kind of Proceeding will not reflect much upon the Honour of the House, and subject us to Censure both at home and abroad, where ever the story of it shall be related? These things, said he, are worthy your Consideration before you Question these *Lords*. But this and much more which was said by his Lordship, and a great many

other

other of the Proteſtant Temporal Lords, could not prevail with the Court-Lords, Biſhops, and Papiſts. For theſe laſt ſeeing their great Head ſo ſet upon it, were reſolved to follow him, though contrary to their ſences, (This is not ſtrang in them whoſe Religion teaches them to believe and act againſt ſence:) their Promiſes, and their Declarations before they came into the Houſe. The two former knew who had the diſpoſal of Preferments, and Rewards, and therefore minded not what was ſaid, but who ſpake; and had learnt the Wiſdom my lord Chancellor mentioned in his Speech, *Viz. To enjoy what they could at preſent, without regard to to the future.* And yet they durſt not Venture to execute their deſign upon thoſe Lords that night, becauſe they knew not with what Spirit the Commons might be moved next morning upon the Debate, Whether it was a *Prorogation* or an *Adjournment*, which they had appointed then to be conſidered. And therefore they move to Adjourn the Debate of Queſtioning thoſe Lords till the next morning. This was oppoſed by the *Four Lords*, and many other Noble Peers, but they were all anſwered by the Vote.

This Sir, was all the Tranſaction of that day, ſaving that the Lord *Shafisbury* willing it ſhould appear upon their Books, what their Accuſation was, and that they might know what to Anſwer to the next morning, Deſired their Charge might be written, which was done accordingly in theſe Words. *VIZ.*

For Propoſing to the Houſe, and Aſſerting, and Maintaining, that this Parliament is Diſſolved.

The next morning being *Friday* the 16, about too a Clock the Debate was again Resumed, and was raised high, and continued about three hours, in which time 'twas urged in the behalf of the four Lords, that three several times, *Viz.* 1. *Hen.* 7. 1 *Q. Mary* 1 *Q. Eliz.* the very same debate was in Parliament; It was then doubted whether the Writs were good (in form) by which they were summoned, and yet no man questioned for moving and debating it. The Religion establisht had been several times altered by Parliament, yet none ever questioned for proposing and debating it; And the Parliament being Re-assumed before the day to which 'twas prorogued, in the year 1666, It was moved to consider whether they could Act as a Parliament and the proposer never questioned. And nothing could be more proper then such debats, for should there be a doubt whether they had Authority to Act as a Parliament, and yet Acts be made (and the Question undetermind) those that doubted, might dispute those Acts and overthrow them, if it should happen that the Judges, should be of opinion, that they had not a Legal Authority. And therefore 'twas a great hardship, that the Judges were not suffered to give their opinion in the poynt, when the Duke of *Bucks*, required it: It was likewise said, That those that had sate and made Acts as a Parliament had afterward been declared no Parliament (in future parliaments) and their Acts nulled, as 39. *Hen.* 6.

And then it was not thought a crime to propose the consideration of their Authority, tho the King had summoned and jontly acted with them as a Parliament, yet that was a greater questioning of the Kings Prerogative then this: For as yet the King had not joyned with them to Act as a Parliament.

Now the debate had ended much sooner then it did (as most men think) by a Vote against the Lords (the only way of Answering their unanswerable Arguments) but for two Reasons, one was the same that had occasioned it to be Adjourn-

adjorned, the night before; They were willing to see what was done by the Commons, And here by the way of digression, let me acquaint you, how the matter was managed amongst them: The first day it was moved in the House of Commons, that they could not Act by vertue of the last prorogation, and of that opinion were many of the best and wisest amongst them: But the *Speaker*, *Indigents Courtiers*, and some *Contry Gentle-men* (as thay have higherto pretended to be) were Impatient at it, and used all their Art to avoid the debate, as fore-seeing should a fayrer debate be admitted, they could not answer the Arguments might be urged, therefore, as I told you, they run it off upon a strang senseless Question, *Whether it were a Prorogation or an Adjornment* (the House generally agreeing, that it could not be *a Prorogation* and legal) which question they also adjorned till the next morning and from thence till the *Monday* following; And when it came then to be debated, the same party that had put off the debate (by that trick) before, spoiled even that debate too, by moving to have Liberty of speech to debate it. And after this had been long disputed, and 168 that were for a Vote to pass, that they should have Liberty of Speech, and were also of opinion, That the last prorogation was illegall, could not get the *Speaker* to put the Question, but the major part of the House joyned with him, And put another Question by which they concluded themselves to be a House and to sit by virtue of the Prorogation. The Question was, *Whether they should appoint New Committes?* which was carried in the Affirmative.

But to return to the Lords, I am next to tell you the other Reason that they suffered the Debate of questioning those Four Lords to continue so long, since it seems as if they were resolved not to be convinced by any Reason could be urged for their Defence. And the World judges this to be the Reason, *viz.* That they thought fout such Lords as had so great Reputation for Wisdom, Interest and Courage,

suffer-

ſuffering on this account, would give too great a Credit to the thing they had propoſed, & their induring Impriſonment rather than Recant their Opinions, would make the World examine it too narrowly; and ſo the Queſtion, which they endeavoured to ſmother, would grow more publick, and the People would be made ſenſible, that what thoſe *Lords* urged was only to aſſert the Rights and Liberties of the People of *England* in having frequent *Nevv Parliaments*, and *Freedom of Speech* in *Parliament*. And therefore though they had ſingled thoſe Four out of all the reſt of the *Lords* that had maintained the ſame thing: Yet ſome of the *Court Lords* not out of love to any of the Four, but to avoid this Rock, and to prevent having ſo ſtrong a Teſtimony of their Illegal Proceedings, as the Intereſt and Reputation of thoſe Four *Lords* would give, did labour, if poſſible, to ſingle out the Duke of *Bucks*, and the *Lord Shafts bury* from the other two, nay ſome ſeem'd to deſire the Duke of *Bucks* alone might be Queſtioned, as being the firſt mover in this matter, which he perceiving withdrew and went away, and immediately after the Vote paſſed for all their withwrawing; and though the *Duke's* going gave ſome diſappointment to their Deſign, yet ſtill they purſu'd it, by endeavouring, if it were poſſible, to ſeparate my *Lord Shafts bury* from the other two: But in this alſo they were diſappointed, for my *Lord* of *Sailsbury* being call'd in firſt, ſoon ſhew'd them by his prudent and gall ant *Reſolution*, that all endeavours of theirs to divide him from ſo good a Cauſe, and truly Noble Company, were but in vain. And the *Lord Wharton* tho in ſo great an Age, and under Circumſtances as might ſomewhat have excus'd him, yet bore it with ſo much Honour and Reſolution, as wholly fruſtrated their deſign of that kind; for though my *Lord Salisbury* was not called to the Bar, but to his place in the Houſe, and there told by my *Lord Chancellor*, That the Houſe did obſerve, that he did maintain, *That the Prorogation is Illegal*, at which the Houſe had taken great Offence,

and

and lookt upon it, not only as an offence to the Houſe, but alſo to the King, and therefore required him to ask pardon of the King and the Houſe. This his Lordſhip refuſing to do, (after he was again withdrawn) the Houſe judged this to be a Contempt, and that he ſhould kneel at the Bar as a Delinquent, and be committed to the Tower during the pleaſure of the King and the Houſe.

Next my Lord of *Shaftsbury* was called, not to his Place, but to the Bar; and not only required to ask pardon, but to make his acknowledgment in theſe very words, *Viz. I do acknowledge my endeavouring to maintain this Parliament is Diſſolved, was an ill adviſed Action, for which I humbly beg Pardon of the King, and this moſt honourable Houſe.* Which his Lordſhip refuſing to do, the Houſe judged it a Contempt, and that he ſhould kneel at the Bar as a Delinquent, and be committed to the Tower during the pleaſure of the King and the Houſe. The Earl of *Shaftsbury* and Earl of *Salisbury* both deſiring they might have their own Cooks.

The Lord *Ichenton* was called, not to the Bar, but to his Place in the Houſe, and the ſame words ſaid by the Lord *Chancellor* to him, as before to my Lord of *Salisbury*, but he alſo refuſing to make his acknowledgment was likewiſe called to the Bar, and committed to the Tower.

By which different manner of proceedings, It is manifeſt, that they would gladly have leſſened the Teſtimony of thoſe Lord had they not been perſons that knew not how to conſult their particular conveniencies before their own Honour and the Publick Intereſt.

Next morning, the Houſe ſitting, the Duke of *Buckingham* came in and took his Place, but was immediately called upon to withdraw, He earneſtly preſſed to be firſt heard, but that not being ſuffered, he withdrew, and was immediately ordered to be brought to the Bar by the Gentleman-Uſher of the *Black-Rod*, which accordingly was done, where he ſpake to this purpoſe:

My

My Lords, Yesterday when I went away I was ill, and besides, I thought I had sufficiently tyred your Lordships with my Discourse; but since I hear you have committed the Earl of Salisbury, *Earl of* Shaftsbury, *and my Lord* Wharton *to the* Tower, *I am come hither to pray your Lordships to Discharge them, or if not, to Send me to bear them Company, for I conceive they have done nothing, but what I have done as much, they only Arguing for what I first moved.* After which the Lord *Chancellor* spake to the Duke of *Bucks* as follows: My Lord, I am to tell you in what Condition your Affairs stand here, My Lords find you highly guilty in Asserting, *That this Parliament is Dissolved,* and very active in maintaining it, and therefore have Ordered, that you make this acknowledgment at the Bar, which I shall read to you, *viz. I do acknowledge that my endeavouring to maintain,* That this Parliament is Dissolved, *was an ill advised Action, for which I humbly beg the Pardon of the Kings Majesty, and of this most honourable House.* To which the Duke replyed; *That if he had been unmannerly in his Behaviour, or if he had let fall any foolish or undecent expression, he was ready to ask Pardon; But there were two things for which he never could ask Pardon; The first was for* Thinking (*for that no man can help.*) *The next was for declaring to their Lordships what he did* Think *to be for his Majesty's Service, their Lordships* Honour, *and the Good and Safety of the People of* England: *For if I should not do this, I were not an honest Man, nor worthy to sit in this* House *as a Peer of the Realm.* Upon which his refusal, the Lord *Chancellor* pronounced this Sentence upon him: That for his Contempt to his Majesty and this House, he shall stand committed to the *Tower* of *London,* during the pleasure of the King, and this House: Then the Duke of *Bucks* desired, That he might have his own Cook and Butler, and so withdrew.

And

And immediately upon the Motion of the Lord *Treaſurer*, and the Duke of *York*, this further Order was made.

Whereas George Duke of Bucks, James Earl of Salisbury, Anthony Earl of Shaftsbury, and Philip Lord Wharton, ſtand committed Priſoners to the Tower of London by Order of this Houſe; It is this Day further Ordered by, &c. That the ſaid Lords remaining Priſoners, be kept ſeverally apart, and that they be not ſuffered to meet together unleſs it be at Church; and that no Perſons be ſuffered to Viſit them, without the leave of this Houſe, except their neceſſary Servants and Attendants: For which this ſhall be a ſufficient Warrant.

To the Conſtable of the Tower of London, *&c.*

Thus, *Sir*, I have given you (according to my beſt Information) an exact account of the Opening of this Seſſions, and particularly of the Proceedings againſt thoſe truly Noble LORDS, who durſt ſpeak what they knew to be Right, and for their Countrys Good, though it was never ſo unpleaſing to a *Faction* they knew to be but too too prevalent; nor would they deſert their Country, and Recant what they had ſo bravely Aſſerted and Maintained, though they could not but foreſee, That the *Alies* of the *New Tripple League*, (Viz.) *Biſhops*, *Court* and *Popiſh Lords*, who had already broke thorow the *Antient Rules and Practice of Parliament*, and all the *Lavvs of England*, would (according to the New Court Word) go *Thorow-Stitch*, and ſtick at nothing, to remove them out of the way, who had ſo bravely ſhewed them the *Illegality* of all their *Proceedings*, and the unavoidable Miſchiefs, if not utter Ruine they would bring upon themſelves, and the whole Kingdom, if they did continue to Act as a *Parliament*, when they were ſo plainly Diſſolved by Law.

The ſtrangeneſs of theſe Proceedings is become the publick Diſcourſe of the Town; and it is Obſervable, That the very Courtiers themſelves confeſs, *That this Treatment of the* LORDS *is Prodigiouſly ſtrange and Unpreſidented*, and that it hath too much made good what was ſo often told to the Members of both Houſes, before their laſt Meeting, both in Diſcourſes and Printed Papers,

That if they vvould Preſume to Sit upon ſuch an Iellgal Foundation, they ſhould be forced to do all manner of arbitrary things to ſupport themſelves.

Others ſay, that this their very firſt Act is ſuch that (ſuppoſing they had been a Parliament) they had by it deſtroyed their own very Being; for by taking away Freedom of Debates,

Debates, they not only take away the Right of the Houſe of Peers, but the Priviledge of the Commons alſo, and utterly deſtroy the very Eſſentials of Parliament; nay, by conſequence the Rights and Liberties of all other Courts, Councils and Societies whatever. For nothing can be tranſacted in any publick Aſſembly, but it muſt firſt be Propoſed and Debated, and who will ever propoſe or debate any thing though of never ſo great Uſe and Benefit to the Publick, if this Liberty be denyed?

For, if the *Major* part may Impriſon the *Minor*, only for propoſing and debating, then it will follow, that if an Aſſembly or Court conſiſt of a *Hundred* Perſons, *Fifty one* may Impriſon *Fourty nine* for maintaining an Opinion contrary to theirs; And of thoſe *Fifty one*, *Twenty ſix* may Impriſon *Twenty five* by the ſame reaſon; And ſo the *Major* number may Impriſon the *Minor*, till they come to *Two*; and of thoſe *two*, let but the Stronger Impriſon the Weaker, and then according to this Rule, neither Law, Right or Reaſon is to be heeded, but only Number; and all Government muſt unavoidably diſſolve it ſelf into abſolute *Force* and *Tyranny*.

From which Wretched State, *I pray GOD for ever Keep this KINGDOM*

And it's generally ſaid, that the manner of the Impriſonment of theſe four *Lords* is as Notorious as the Impriſonment it ſelf; for they are denyed the Liberty of having their Friends to Viſit them; a thing which the Law of *England* allows as a Right to *Fellons*, *Murtherers*, nay to Perſons Convicted of *High Treaſon*. For the Law of *England* knows no ſuch thing as *Cloſe Impriſonment* in any Caſe what ever, but that of *Spies* taken in *War*, or *Traytors* taken before the reſt can be apprehended: And even in thoſe Caſes the *Cloſe Impriſonment* ought to continue but for a few

Dayes: But here Lords are thus committed for insisting upon Law, Reason, and the Rights of the Nation, and that in the presence of the King and all the Peers of *England*.

Men further say, That their being Committed during the pleasure of the King and the House, is all one as being committed during Life; For if the King and House will not Release them, they cannot be Released. But such Commitments directly tend to the utter Subversion of the Laws and Liberties of *English-men*; For the Law of *England* knows no such thing as *Imprisonment during the Kings Pleasure* or *for Life*; But only in a few particular Cases, provided for by expres Statutes. But these Lords are not Committed for transgressing any Statutes, but for bravely standing for, and claiming to themselves and the whole Kingdom, the Benefit of divers Statutes. So that many here do believe, That the Commitment of these four Worthy Lords was design'd, not only as a Punishment to them, for so bravely opposing the present Current, but as the only fit Means to carry on the Designes of the *New Tripple-League*; Such as,

Under pretence of Securing the Protestant Religion, by Act of Parliament, To declare it Lawful for our Kings to be Papists; As is done in a Bill the Lords lately sent down to the Commons: and I do not hear of any one Bishop but did readily agree to it: And such as, **The Lords assuming to themselves an Original Jurisdiction over the Commons of ENGLAND.** As they lately did in the Case of Dr. *Cary*, against whom they acted as Arbitrarily, and laid as excessive a Fine as ever the *High Commission Court* and *Star-Chamber* did in such a Case, as will appear by the Order for his Commitment, a true Coppy where of taken out of the Lords Journal, I have here sent you.

Die Jovis, primo Martij, 1676.

WHereas Dr. *Nicholas Cary* being on *Tuesday* brought to the Bar, and there required by this House to Discover his knowledge concerning the Author of a Book or Paper,

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Paper Entituled, *The Grand Queſtion concerning the Prorogation of this Parliament for a Year and three Months, Stated and Diſcuſſed:* And whoſe Servant that Perſon is who delivered the ſaid Book or Paper to him? He the ſaid *Nicholas Cary* refuſed to diſcover his knowledge thereof. Upon conſideration had thereof, the Lords Spiritual and Temporal in Parliament Aſſembled, do Order and Adjudge the ſaid *Nicholas Cary*, for his ſaid Contempt committed in the Face of this Court, be, and he is hereby Fined to the *King's Majeſty*, the Sum of *One thouſand Pounds*; and further, That he the ſaid *N. Cary*, ſhall be and remain a *Cloſe Priſoner* in the *Tovver* of *London*, not to be Delivered thence till he have paid his Fine.

In this Order and Judgment it may plainly be ſeen what they would be at; It is not the *Liberty* of thoſe four *Lords* only, but of all the People of *England* that is ſtruck at by ſome men, and they are kept in Priſon for the better carrying on of that Deſign. Our Laws are the Banks and Buttreſſes of our *Liberties*, and our only Fence againſt *Arbitrary Povver*; And if they be taken away, no man is ſecure a moment. *Magna Charta*, the *Petition of Right*, and divers other the known *Lavvs* and *Statutes* of this Realm, do expreſly ſay, *That no man ſhall be taken, impriſoned or diſſeized of his Freehold, or any otherwiſe deſtroyed, vvithout due proceſs of Lavv, and Judgement of his Peers.* And by the Common Law of *England*, *No man is obliged to anſvver Queſtions againſt himſelf.* But if notwithſtanding, this preſent Convention of Lords may lawfully ſend for any man, and if he will not anſwer *Queſtions* againſt himſelf, may judge it a Contempt, and without any legal Proceſs or Judgment of his Peers may Fine him more than he is worth, and Impriſon him till he has paid that Fine, *Magna Charta*, the *Petition of Right*, and all the *Lavvs* made to ſecure our *Liberites* and *Properties* are become Uſeleſs and Inſignificant things: And every Man in *England* enjoys his *Liberty* and *Eſtate*, not of Right or by Law, but at the Will and Pleaſure of theſe *Lords*.

Hence

Hence it is men ſtick not openly to ſay, *It is not the Duke of* Buckingham, *the Earl of* Salisbury, *the Earl of* Shaftsbury, *the Lord* Wharton, *and Doctor Cary only; but all the* Laws, Rights *and* Liberties *of* England *are Impriſoned with them, And there is not any one* Lord, Gentleman, Citizen, *or Perſon whatſoever in* England, *But, by the ſame Rule, may be Impriſoned the next hour.* So that their Caſe extends it ſelf to the whole People of *England*, and what they ſuffer they ſuffer as their *Martyrs*.

I Pray God deliver the King and Kingdom from the *Calamitous Conſequences* that theſe things ſeem to Uſher in, and bring deſerved ſhame upon ſuch Actions and Principles as for the Advantage of perticular Perſons, or little Factions tend to the Ruine of the *People* and *Government*. So Prayes, *Sir*,

Your Affectionate and

humble Servant.

J. E.

The

The Publisher to the Reader.

SIR,

WHilst the *Allies* of our New *Tripple League* are thus securing the *Protestant Religion*, and the *Rights* and *Liberties* of the Nation, the *French King*, (that great Enemy of the *Protestant Religion*, *Liberty* and *Property*, the Disturber of *Christendom*, who (for his Pride and Luft, which he calls his Glory) hath already destroyed at least *Seven hundred thousand Men*, and Burnt and laid Desolate whole Countries) goes on Triumphant both by Sea and Land; having already 161 Ships of War, and about 40 more upon Stocks; which certainly will be the best Navy in the World; He has lately beat the *Dutch Fleet* in the *West-Indies*, and is like speedily to be Master of *Sicily*; He has thus Early in the Year taken *Valenciens* and *Cambray*; and just now there is certain News come, he has so Worsted the Prince of *Orang's Army*, that its thought all the *Spanish Netherlands* must speedily fall into his hands without much Opposition. How dreadful an Aspect this hath upon *England*, you and all men may judge.

I do not think it at all strange to find some men but little concern'd for the Preservation of the *Protestant Religion*, and the keeping out of *Popery*, and others as little for the Maintenance of the Laws, Rights and Liberties of the Nation, in opposition to *Arbitrary Power*; but I hope there are none so rechlesly stupid, as to be unconcern'd when they see themselves like to lose not only the *Protestant Religion*, and all the *Rights* and *Liberties* of the Nation, with all their own *Estates* and *Possessions*, but the *Land* and *Soil* of the Nation it self: And this seems to be our present Case, for the wisest men here do think matters are brought to this narrow Issue, That

either we muſt ſpeedily have a *Nevv Parliament*, or certainly become a *French Conqueſt*. For *France* is now become ſo prodigiouſly Powerfull, that the moſt United *Wiſdom*, *Riches* and *Strength* of this Nation will ſcarcely be able to preſerve it out of their ravenons Hands. And I Appeal to all Mankind, whether we be like to find the like *Wiſdom* and *Faithfulneſs* in a Gouvention of Men impoſing themſelves upon us as a Parliament, (the far greateſt part of which conſiſts either of *French* or *Court*-Pentioners Indigent or Out-law'd perſons, Children, Fools or ſuch as are Super-annuated) as in a Parliament freely choſen by the whole Nation to preſerve it from ſo eminent a Danger? And whether ſuch a Parliament would not have much more the Command of the Hearts and Affections, the Purſe and Perſons of the whole People, than its poſſible for this Convention to have during the continuance of which as a Parliament; And conſequently the Kings Great Council, the *French* has arrived to this exceſſive Greatneſs, and poor *England* to this miſerable State. Therefore it ſeems to be the indiſpenſable Duty of every *English-man* to uſe his utmoſt Endeavour to move his Majeſty not only to Diſcharge theſe Four Worthy Lords, but to anſwer their Great Requeſt, by Galling a *Nevv Parliament* before it be too late to provide for the Safety of the *King* and *Kingdom*.

FINIS.